

5HE-12

AUG 17 1985

Certified Mail
Return Receipt Requested

Wayne Reclamation & Recycling, Inc.
Daniel Drive
P.O. Box 467
Columbia City, Indiana 46725

Re: Wayne Reclamation and Recycling, Inc.

Dear Sir or Madam:

The United States Environmental Protection Agency (EPA) has documented the releases or threatened releases of hazardous substances, pollutants and contaminants at the above referenced site, and is planning to spend public funds to control and investigate these threatened releases. This action will be taken by EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601 et seq., unless EPA determines that such action will be done properly by a responsible party. Responsible parties under CERCLA include the current and former owners or operators, and persons who generated the hazardous substances or were involved in transport, treatment, or disposal of them at the site.

Based on data we received during our investigation concerning the hazardous substances at this site, EPA has information that indicates that you and/or your firm may be a responsible party. Before the government undertakes necessary action at the site, we would like to know if you will voluntarily perform the work required to abate any releases or threatened releases of hazardous substances, pollutants, and contaminants from the site. You should be aware that under Section 107(a) of CERCLA, where the Agency uses public funds to achieve the cleanup of the hazardous substance, you may be liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the site, including investigation, planning and enforcement.

The EPA is currently planning to conduct the following studies at the above site:

1. Further investigation to identify the local hydrogeological characteristics, and define the nature and extent of soil, air, and surface water contamination at the site, and
2. Feasibility studies to evaluate possible remedial actions to remove or contain hazardous substances, pollutants, and contaminants at the site.

In addition to the above studies, other corrective measures may be necessary to protect public health, welfare or the environment. These corrective measures may include, but are not necessarily limited to:

1. Implementation of initial remedial measures e.g., securing the site to prevent contact with any potentially hazardous or toxic materials at the site and/or removal of contaminated material from the surface;
2. Designing and implementing the EPA approved remedial option for both the contaminated groundwater and soil;
3. Providing any monitoring and maintenance necessary after remedial measures have been completed.

EPA will consider an immediate offer from you to conduct the remedial investigations and feasibility studies (RI/FS) described above. You should notify EPA, in writing within 10 calendar days from the receipt of this letter, of your willingness to conduct or participate with other potentially responsible parties in the RI/FS. Otherwise, EPA will assume that you decline any involvement in the RI/FS and will proceed with the appropriate studies and any initial remedial measures needed to secure the site. EPA may later invite you to undertake the design and implementation of the selected remedy upon the Agency's completion of the RI/FS.

Your letter should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary action, or involved in a lawsuit regarding this site, you should continue such activities as you see fit; you should not interpret this letter to advise or direct you to restrict or discontinue such activities. You should report, however, the status of those discussions or that action in your letter. Please provide a copy of your letter to any other parties involved in these discussions.

Your letter should be sent to:

John Oaks (5ME-12)
U.S. EPA - Region V
HMEB - CERCLA Enforcement Section
230 South Dearborn Street
Chicago, Illinois 60604

EPA would like to encourage good faith negotiations between you and the Agency and among you and other parties potentially responsible for the site. So that you may schedule meaningful discussions with other potentially responsible parties regarding cleanup efforts, and quickly organize yourselves into a single representative body to facilitate negotiations with the Agency, we are enclosing a list of other potentially responsible parties which have been identified with the above referenced site. If you and other potentially responsible parties indicate a willingness to pursue the RI/FS as a group, a representative should be designated to negotiate with EPA.

The specifics of the RI/FS are scheduled to be incorporated into a workplan developed by EPA in approximately two months. Should your response indicate a desire to enter into negotiations, EPA will send a draft consent order and a copy of the workplan on which initial negotiations will be centered upon. A meeting will be scheduled to discuss the specifics of the consent order, including the workplan. It should be noted that EPA is not prepared to negotiate major modifications to the workplan.

In addition, EPA is seeking to obtain certain other information from you pursuant to its authority under Section 104 of CERCLA, 42 U.S.C. 69604, and Section 3007 of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. 66927, for the purpose of enforcing CERCLA and RCRA and for the purposes of assisting in determining the need for response to a release of hazardous substance(s) under CERCLA. The Administrator of the EPA has the authority to require any person who generates, stores, treats, transports, disposes, arranges for the disposal of, or otherwise handles hazardous wastes and hazardous substances, as those terms are defined in Section 1004(5) of RCRA, 42 U.S.C. 6903(5) and Section 101(14) of CERCLA, 42 U.S.C. 6901(14), to furnish the EPA with information related to such activities. Pursuant to these statutory provisions, you are hereby requested to submit the information requested below.

1. The dates of operation of Wayne Reclamation and Recycling, Inc. and any predecessor or successor corporations or partnerships.
2. Copies of any and all documents regarding the use and ownership of the Wayne Reclamation and Recycling, Inc. site including, but not limited to, deeds, contracts, leases, subleases, purchase agreements, and correspondence.

3. A description of any and all arrangements for the use of the Wayne Reclamation and Recycling, Inc. site including, but not limited to, deeds, contracts, leases, sub-leases, and purchase agreements. This description shall include the following:
 - a. Names of parties
 - b. Duration of arrangement
 - c. A general description of the terms of the arrangement
4. A complete listing of the names and last known addresses of all persons employed by Wayne Reclamation and Recycling, Inc. and the time periods in which they were employed.
5. A complete listing of any and all corporate officers of Wayne Reclamation and Recycling, Inc. during the time of its operation and their last known addresses.
6. A complete listing of the names of all persons generating the solid or liquid wastes, oil, sludges, caustics, acids or other materials disposed of or treated at the Wayne Reclamation and Recycling site.
7. For each person listed pursuant to Item 6 above, a description of the solid or liquid wastes, oil, sludges, caustics, acids or other materials transported to and either treated at or disposed of at the Wayne Reclamation and Recycling site. This description shall include the following:
 - a. General description of the types and nature of wastes
 - b. Approximate volumes or quantities of wastes disposed
 - c. Period during which wastes were transported to the Wayne Reclamation and Recycling site
 - d. Identity of transporter and/or method of transport
 - e. Method of disposal or treatment
8. A complete listing of the names of all persons transporting solid or liquid wastes, oils, sludges, caustics, acids, or other materials for disposal or treatment at the Wayne Reclamation and Recycling Site.
9. Copies of all records, contracts, invoices, manifests, bills of lading, ledgers, account books, or other documents evidencing agreements or arrangements either between yourself and the persons listed pursuant to Items 6 and 8 above or among the persons listed pursuant to Items 6 and 8 above.

10. A detailed description of the generic common and/or trade name and the chemical composition and character (i.e. liquid, solid, sludge) of the waste material offered by you for transportation to, storage and/or disposal at the above referenced site.
11. Copies of all records, including analytical results, and material safety data sheets, which indicate the chemical composition and/or chemical character of the waste material(s) transported to, stored or disposed of at the above referenced site or offered for transportation to, storage or disposal at the site.
12. A list and description of all liability insurance coverage that is and was carried by you including any self-insurance provisions, that relates to hazardous substances and/or the above referenced site and copies of all of these insurance policies.

To assist you in answering this request, the information sought pertains to any and all information in your possession, custody or control relating to the operation of the above referenced site and to the transportation, storage, and/or disposal of hazardous substances or the generation of hazardous substances which were ultimately disposed of or offered for disposal at the site. The relevant time period for this request is from 1950 through the present.

For purposes of this information request, "shipping documents" shall mean all contracts, agreements, purchase orders, requisitions, pick-up or delivery tickets, customs forms, freight bills, shipping memoranda, order forms, weight tickets, work orders, manifests, shipping orders, packing slips, bills of lading, invoices, bills and any other similar documents that evidence discrete transactions involving shipment, or the arrangement for shipment, of waste materials to, through, or from, the above referenced site. "Waste materials" shall mean hazardous substances, solid wastes and hazardous wastes, and other materials which may or may not contain pollutants or contaminants, and shall include reclaimed and off-specification materials of any kind.

The information sought herein must be sent to EPA within thirty (30) calendar days of your receipt of this letter. Under Section 3008 of RCRA, 42 U.S.C. 6928, failure to comply with this request may result in an order requiring compliance or in a civil action for appropriate relief. These provisions also provide for civil penalties. Failure to comply with this request under Section 104 of CERCLA, 42 U.S.C. 9604 may result in a civil enforcement action being brought against you by EPA.

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request, however, that any such information be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the EPA. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to Region V pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory should so notify EPA. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. 1001.

Your reply to request for information under Section 104 of CERCLA and Section 3007 of RCRA should be considered separate and distinct from that relating to participation in response activities at the site. It should also be sent to the address listed above.

If you need further information regarding our information request, you may contact Nicholas Longo of our Hazardous Waste Enforcement Branch at (312) 886-6541, or if you have any legal questions, contact Mr. Michael Berman, Assistant Regional Counsel at (312) 886-6837.

Due to the nature of the problem at this site and the attendant legal ramifications, EPA strongly encourages you to submit a written response with the time frame specified herein. We hope that you will give this matter your immediate attention.

Sincerely yours,

Basil G. Constantelos, Director
Waste Management Division

bcc: Michael Berman, RC
G. Lucero, (181-527)
John Buck, ISBH
Nicholas Longo, CES Assignee
Margaret Guerriero, SMS Assignee

N. Longo: CERCLA:clm:7/23/85:Disk #1

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